

Message Text

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ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 SS-15 CIAE-00 INR-07 NSAE-00
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C O N F I D E N T I A L OTTAWA 05352

FOR SECRETARY, DEPUTY SECRETARY, MINK, HANSELL, VINE
FROM ENDERS

E.O. 11652: GDS
TAGS: EFIS, CA
SUBJECT: SALMON FISHERY SITREP

REF: (A) OTTAWA 5302, (B) STATE 142387

1. SUMMARY. AS OF LATE JUNE 20, CANADIAN FISHERIES OFFICIALS ARE STILL BARGAINING HARD TO GET UNQUALIFIED EXPRESSION OF U.S. FAULT IN RETURN FOR (A) SUSPENSION OF SHRIMP FISHERY CLOSURE TO U.S. BOATS, AND (B) WILLINGNESS TO DELAY FOR 2 OR 3 MONTHS DISCUSSION OF WHAT TO DO ABOUT BILATERAL SALMON PROBLEM, THUS EFFECTIVELY FOLDING IT INTO INTERCEPTION NEGOTIATIONS. I EXPECT TO HAVE DEFINITIVE CANADIAN POSITION FOR SUBMISSION TO YOU SOMETIME TOMORROW JUNE 21. AS OF NOW, ODDS ON KEEPING PROBLEM UNDER CONTROL ARE GOOD. END SUMMARY.

2. DELIVERED POSITION AUTHORIZED REFTEL B TO EXTAFF UNDER SECRETARY GOTLIEB ON JUNE 19. POINTED OUT THAT CANADA BY ITS UNILATERAL ACTION IS EMBARKING ON SUCH DANGEROUS COURSE THAT U.S. WAS PREPARED TO PROPOSE A
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COMPROMISE. BUT COMPROMISE SHOULD INVOLVE TWO-WAY MOVEMENT, AND CONCESSION REQUESTED FROM CANADA WOULD BE NOT ONLY TO SUSPEND ORDER IN COUNCIL, BUT ALSO TO RECOGNIZE SOME OFFSET FROM ESCAPEMENT FISH TO LOSS OF FISHING OPPORTUNITIES IN U.S. WATERS.

3. GOTLIEB TOLD ME THIS MORNING THAT CANADA APPRECIATES

U.S. INITIATIVES BUT COULD NOT GO ALONG WITH DETAILED COMPUTATION OF WEST COAST SALMON FISHING PATTERN OR RECOGNIZE (EVEN ON ONE TIME BASIS) VALUE OF ESCAPEMENT FISH. CANADA FEARED THAT PROCESS OF COMPUTATION WOULD OPEN UP QUESTION OF WEST COAST SALMON ON A NO-OBJECTIVE BASIS AND PREJUDICE SALMON INTERCEPTION TALKS, WHICH IT IS WILLING TO START.

4. AS AN ALTERNATIVE, GOTLIEB PROPOSED (A) THAT U.S. RECOGNIZE THAT IT DEPRIVED CANADA OF FISHING OPPORTUNITIES, (B) THAT BOTH COUNTRIES STATE THAT CORRECTIVE ACTION IS NOW NECESSARY, AND AGREE TO CONSIDER DURING THE SUMMER. IN RETURN, CANADA WOULD DROP THE ORDER IN COUNCIL.

5. AT THE SAME TIME, GOTLIEB SAID THAT CANADA WILL CLOSE THE SHRIMP FISHERY TO BOTH CANADIAN AND U.S. FISHERMEN IN JULY AND AUGUST, A MOVE WHICH HAD BEEN UNKNOWN TO THE CABINET AND TO US WHEN THE ORIGINAL ORDER IN COUNCIL WAS DECIDED. CLOSURE WOULD AFFECT LARGELY U.S. BOATS, BUT AS CONSERVATION MEASURE IS ENTIRELY COMPATIBLE WITH INTERIM AGREEMENT.

6. I RESPONDED THAT CANADIAN PROPOSAL WAS PROGRESS, BUT IF ADOPTED AS IS WOULD HAVE THE EFFECT OF TRADING CANADIAN SUSPENSION OF THE ORDER IN COUNCIL FOR AN UNQUALIFIED U.S. ADMISSION OF FAULT, SINCE NO REFERENCE
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WOULD BE MADE TO AN ALLOWANCE FOR ESCAPEMENT FISH AS UNDER OUR OWN PROPOSAL. SINCE CANADA WAS GOING AHEAD AND CLOSING THE FISHERY ANYWAY IN JULY AND AUGUST (AND THUS DEPRIVING THE U.S. OF A LARGELY U.S. FISHERY, ALTHOUGH ON A NON-DISCRIMINATORY BASIS) WE WERE BEING ASKED TO MAKE A MAJOR CONCESSION OF PRINCIPLE TO KEEP U.S. FISHERMEN IN A SHRIMP FISHERY FOR TWO WEEKS.

7. AFTER SOME DISCUSSION, CANADIAN REPRESENTATIVES TOOK AD REFERENDUM THE CONCEPT THAT U.S. WOULD RECOGNIZE LOSS OF CANADIAN FISHING OPPORTUNITIES, WHILE STATING ITS VIEW THAT OVERALL CANADIAN CATCH MIGHT NOT BE AFFECTED.

8. EXTAFF OFFICIALS NOW TELL ME THAT FISHERIES LAWYERS BALK AT THIS ADDITION. I HAVE SUGGESTED THAT IN THAT CASE CANADA MAY WISH TO ADD A STATEMENT OF ITS OWN VIEW. FISHERIES REPRESENTATIVES BALK AT THAT TOO. EXTAFF AND FISHERIES REPRESENTATIVES NOW APPEAR TO DIFFER AMONG THEMSELVES AND DO NOT EXPECT TO HAVE AN AGREED POSITION BEFORE TOMORROW JUNE 21.

9. CANADIANS CLEARLY UNDERSTAND THAT ALL POSITIONS TAKEN

BY ME AND FISHERIES TEAM HERE ARE AD REFERENDUM TO
WASHINGTON.

10. COMMENT. PRETTY CLEAR NOW THAT FISHERIES PUT A FAST
ONE OVER ON EXTAFK ON ITS ORDER IN COUNCIL, AND THAT OUR
INITIATIVE HAS GOTTEN EXTAFK BACK INTO THE GAME. AS OF
LATE JUNE 20, ODDS SEEM GOOD THAT WE WILL REACH AGREEMENT
ON LANGUAGE PUTTING OFF THE WHOLE ISSUE. CURRENT ATMOS-
PHERE IS GOOD, AND WE ARE UNDER NO ARBITRARY DEADLINES.
DRAFT CANADIAN RESPONSE TO OUR PROPOSALS SENT REFTL.
ENDERS

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